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AMENDMENT TO SENATE AMENDMENT TO H.R. 2

OFFERED BY MR. DEAL OF GEORGIA

Insert after section 115 the following:

1 **SEC. 116. REQUIRING OUTREACH AND COVERAGE BEFORE**
2 **EXPANSION OF ELIGIBILITY.**

3 (a) STATE PLAN REQUIRED TO SPECIFY HOW IT
4 WILL ACHIEVE HEALTH BENEFITS COVERAGE FOR 90
5 PERCENT OF LOW-INCOME CHILDREN.—

6 (1) IN GENERAL.—Section 2102(a) (42 U.S.C.
7 1397bb(a)) is amended—

8 (A) in paragraph (6), by striking “and” at
9 the end;

10 (B) in paragraph (7), by striking the pe-
11 riod at the end and inserting “; and”; and

12 (C) by adding at the end the following new
13 paragraph:

14 “(8) how the State for each fiscal year (begin-
15 ning with fiscal year 2010) will achieve, through eli-
16 gibility and benefits provided for under the plan and
17 otherwise, a rate of health benefits coverage (wheth-
18 er private or public) for low-income children in the
19 State that is at least 90 percent.”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall apply to State child health
3 plans for fiscal years beginning with fiscal year
4 2010.

5 (b) LIMITATION ON PROGRAM EXPANSIONS UNTIL
6 LOWEST INCOME ELIGIBLE INDIVIDUALS ENROLLED.—
7 Section 2105(c) (42 U.S.C. 1397dd(c)) is amended by
8 adding at the end the following new paragraph:

9 “(8) LIMITATION ON INCREASED COVERAGE OF
10 HIGHER INCOME CHILDREN.—For child health as-
11 sistance furnished in a fiscal year beginning with fis-
12 cal year 2010:

13 “(A) SPECIAL RULES FOR PAYMENT FOR
14 CHILDREN WITH FAMILY INCOME ABOVE 200
15 PERCENT OF POVERTY LINE.—In the case of
16 child health assistance for a targeted low-in-
17 come child in a family the income of which ex-
18 ceeds 200 percent (but does not exceed 300
19 percent) of the poverty line applicable to a fam-
20 ily of the size involved no payment shall be
21 made under this section for such assistance un-
22 less the State demonstrates to the satisfaction
23 of the Secretary (in accordance with any meth-
24 odology established by the Secretary) that the
25 State has met the 90 percent retrospective cov-

1 erage test specified in subparagraph (B) for the
2 previous fiscal year.

3 “(B) 90 PERCENT COVERAGE TEST.—The
4 90 percent retrospective coverage test specified
5 in this subparagraph is, for a State for a fiscal
6 year, that on average for any 3-consecutive
7 month period during the fiscal year, at least 90
8 percent of low-income children residing in the
9 State have health benefits coverage (whether
10 private or public).

11 “(C) GRANDFATHER.—Subparagraphs (A)
12 and (B) shall not apply to the provision of child
13 health assistance—

14 “(i) to a targeted low-income child
15 who is enrolled for child health assistance
16 under this title as of September 30, 2009;

17 “(ii) to a pregnant woman who is en-
18 rolled for assistance under this title as of
19 September 30, 2009, through the comple-
20 tion of the post-partum period following
21 completion of her pregnancy; and

22 “(iii) for items and services furnished
23 before October 1, 2009, to an individual
24 who is not a targeted low-income child and

1 who is enrolled for assistance under this
2 title as of September 30, 2009.

3 “(D) PROMULGATION OF METHOD-
4 OLOGY.—Not later than July 1, 2009, the Sec-
5 retary shall issue regulations that establish a
6 methodology by which States meet the require-
7 ments of subparagraph (A).

8 “(E) DETERMINATION OF INCOME BASED
9 ON GROSS FAMILY INCOME WITHOUT DIS-
10 REGARDS OR EXCLUSIONS.—

11 “(i) IN GENERAL.—For purposes of
12 this paragraph, the family income shall be
13 determined under subparagraph (A) (and
14 under subparagraph (B) for purposes of
15 determining who is a low-income child, as
16 defined in section 2110(c)(4)) based on
17 gross family income.

18 “(ii) GROSS FAMILY INCOME DE-
19 FINED.—

20 “(I) IN GENERAL.—Subject to
21 subclause (II), in this subparagraph,
22 the term ‘gross family income’ means,
23 with respect to an individual, gross in-
24 come (as defined by the Secretary in
25 regulations) for the members of the

1 individual's family. For purposes of
2 the previous sentence, in defining
3 'gross income' the Secretary shall, to
4 the maximum extent practicable, in-
5 clude income from whatever source,
6 other than amounts deducted under
7 section 62(a)(1) of the Internal Rev-
8 enue Code of 1986.

9 “(II) INCOME DISREGARDS AU-
10 THORIZED.—A State may provide,
11 through a State plan amendment and
12 with the approval of the Secretary, for
13 the disregard from gross family in-
14 come of one or more amounts so long
15 as the total amount of such disregards
16 for a family does not exceed \$250 per
17 month, or \$3,000 per year.”.

